

REMARKS/ARGUMENTS

Claims 1 through 36 and 41 are pending in the immediate application. Claims 1, 29, 36 and 41 are independent. Claims 2 through 28, 31 and 32 depend from claim 1. Claims 30 through 33 through 35 depend from independent claim 29. Claims 37 through 40 were withdrawn from consideration without prejudice to file a potential continuation patent application in the future. Claim 41 has been newly added.

In the Action, the drawings were objected to as reference numeral "28" was not labeled in any drawing. The drawings were further objected to because Fig. 1 omitted the label of "prior art". In response, applicant amended Figs. 1 and 2. In amended Fig. 1, previously omitted label of "prior art" has been added. In amended Fig. 2, previously omitted reference numeral "28" was also added that was previously referenced and discussed in the specification. No new matter has been added. Applicant has submitted proposed drawings. Applicant seeks authorization from the Office to submit final corrected drawings with the proposed changes.

In the Action, claims 1 through 36 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Office contends that the claimed subject matter was not described in the specification in such a way so as to enable one skilled in the art to make and/or use the invention.

Applicant contends that an assertion by the Office that the enabling disclosure is not commensurate in scope with the protection sought must be supported by evidence or reasoning substantiating those doubts. *See, In re Dinh-Nguyen*, 492 F.2d 856,858, 181, U.S.P.Q.47, 49 (C.C.P.A. 1974). Applicant further contends that the application need not describe the claimed

subject matter in exactly the same terms as used in the claims. *See In re Lukach*, 442 F.2d 967, 969, 169, U.S.P.Q. 795 (C.C.P.A. 1971). Support for claims 1 through 36, can be found in the specification at page 4, line 13 through page 5, line 20, and page 7, line 9 through page 8, line 24. Applicant has disclosed the best mode of the invention and one skilled in the art can practice, make and use the invention without undue experimentation upon review of the applicant's specification, and drawings consistent with MPEP § 2164. *See Ex parte Jackson*, 217 USPQ 804, 807 (1982). Reconsideration and withdrawal of the rejection are respectfully requested.

In the Action, claims 1 through 36 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 4 to correct the proper antecedent basis of the first signal and the second signal. Applicant has amended claim 18 to correct the antecedent basis of the claimed element of chromatic dispersion coefficient. Applicant has amended claim 21 to correct an error in the translation from "polynoms" to "polynomial". Applicant has amended claim 26 to correct the antecedent basis of a maximum and a minimum. Applicant has amended claim 34 to correct the antecedent basis of a maximal range. Applicant has further amended the claims to correct minor informalities that were attributed to the translation. No new matter has been added. Accordingly, this renders moot the rejection of claims 1 through 36. Reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph rejection are respectfully requested.

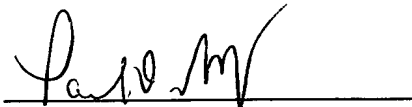
It is important for the Office to properly communicate the basis for a rejection so issues can be identified early and the applicant can be given a fair opportunity to reply. *See* MPEP Section 706.02(j). Applicant requests that if the Office deems that any further office action is necessary, that pursuant to MPEP Section 706.02(j), the Office issue a non-final such office action.

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It is applicant's belief that claims 1 through 36, and newly added claim 41 are all patentable and in condition for allowance. Accordingly, applicant respectfully requests favorable consideration and that the application be passed to allowance.

Respectfully Submitted,

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